

FILE NO. C9-99-2181

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against STEVEN THOMAS APPELGET,
an Attorney at Law of the
State of Minnesota.

**STIPULATION FOR EXTENSION
OF PROBATION**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and Steven Thomas Appelget, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. Pursuant to the Rules on Lawyers Professional Responsibility (RLPR), the parties agree to dispense with further proceedings under Rules 12, 13, and 14, RLPR, and respondent agrees to the immediate disposition of this matter by the Minnesota Supreme Court under Rule 15, RLPR.
2. Respondent understands this stipulation, when filed, will be of public record.
3. It is understood that respondent has certain rights pursuant to Rules 12, 13, and 14, RLPR. Respondent waives these rights, which include the right to be served with a petition; the right to file an answer to the petition; the right to a hearing before a referee on the petition; the right to have the referee make findings and conclusions and a recommended disposition; the right to contest such findings and conclusions; and the right to a hearing before the Supreme Court upon the record, briefs and arguments.
4. Respondent unconditionally admits the allegations of the petition which may be summarized as follows:

a. Respondent failed to cooperate with the Director's Office in monitoring his probation in violation of the terms of his Court-ordered probation and Rule 3.4(c), Minnesota Rules of Professional Conduct (MRPC).

b. Respondent failed to maintain required books and records and failed to rectify shortages in his attorney trust account in violation of the terms of his Court-ordered probation and Rules 3.4(c) and 1.15, MRPC.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanctions the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline pursuant to Rule 15, RLPR, is extension of respondent's current supervised probation for a period of two additional years upon the following conditions:

a. Respondent shall continue to cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and promptly respond to the Director's correspondence by the due date. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct which may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.

b. Respondent shall promptly respond to the Director's correspondence. All correspondence shall be sent to the respondent by certified mail. In addition, respondent shall receive a copy of all correspondence by regular United States mail. Respondent shall have seven business days by which to respond to the Director's correspondence unless otherwise specified by letter.

c. Respondent shall abide by the Minnesota Rules of Professional Conduct.

d. Respondent shall be supervised by John M. Koneck, or other licensed Minnesota attorney approved by the Director, to monitor compliance with the terms of this probation.

e. Respondent shall cooperate fully with the supervisor in his efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at more frequent intervals as may reasonably be requested by the Director.

f. Respondent shall have seven business days by which to respond to correspondence from his supervisor that requests information or scheduling an appointment.

g. Respondent shall initiate and maintain office procedures which ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts and other persons interested in matters which respondent is handling, and which will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.

h. Within thirty days from the execution of this stipulation, respondent shall provide to the Director and to the probation supervisor a current written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress reports as requested.

i. Respondent shall maintain law office and trust account books and records in compliance with Rule 1.15, MRPC, and LPRB Opinion No. 9. In particular, respondent shall not use his trust account as a business account; shall have an operating business account and will use it appropriately; and

respondent shall not use his trust account for any purposes other than those stated in the above-referenced rules. These books and records include the following: client subsidiary ledger, checkbook register, monthly trial balances, monthly trust account reconciliation, bank statements, canceled checks, duplicate deposit slips and bank reports of interest, service charges and interest payments to the Lawyer Trust Account Board. Such books and records shall be made available to the Director regularly on a quarterly basis, or at more frequent intervals as may be reasonably requested by the Director.


7. Respondent enters into this stipulation freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent hereby acknowledges receipt of a copy of this stipulation.

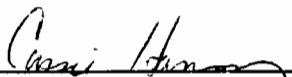
9. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear pro se.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.


Dated: October 23, 2001.


EDWARD J. CLEARY
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 17267
25 Constitution Avenue, Suite 105
St. Paul, MN 55155-1500
(651) 296-3952

Dated: October 23, 2001.


CASSIE HANSON
ASSISTANT DIRECTOR
Attorney No. 303422

Dated: 17 October, 2001.


STEVEN THOMAS APPELGET
RESPONDENT
Attorney No. 236998
1102 Grand Avenue
St. Paul, MN 55105